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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2623

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08/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/621,675

Applicant(s)

NATHAN, GUY

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,959,869, of record) [Miller] in view of Siegel et al. (4,413,260, of record) [Siegel], Barrett et al. (5,214,761, of record) [Barrett], Werth et al. (4,369,442, of record) [Werth], and Sunyich (4,857,714).

Regarding claim 14, Miller discloses a digital audiovisual reproduction system (fig. 2) comprising a central unit (processor 201 in fig. 1) controlling, through a multitask operating system (said operating system capable of performing multiple tasks at the same time, col. 10, lines 25-44) comprising a tools and services library (processor 201 consists of software modules which control vending operations, telecommunication operations, and multimedia presentations, col. 10, lines 25-44), a display (video monitor 102 in fig. 2), a

touch screen (touch screen 104 in fig. 2), memory (fig. 1, DRAM 206, SRAM 208, and EEPROM 210), and a communication system for enabling the jukebox device to communicate with a network, said network capable of providing audiovisual information distribution (the programmable processor connects to a remote host using a modem, which is a connection over a data network that is capable of providing audiovisual information distribution, because it is capable of distributing any kind of digital information, col. 10, lines 45-55), said operating system comprising an interpreter for interpreting actions of an operator on the touch screen (an inherent feature, as this is what enables a touch screen to be used in the system).

Miller fails to disclose an operator to access a module in the tools and services library so as to offer a manager of the audiovisual reproduction system a given number of credits, one credit corresponding to the fee necessary to select a song, the number of credits being stored in a free play reserve file, separate from a general reserve file used to store credits based on user payments, on the memory as a credit reserve, this free play reserve file being updated each time that the manager redeems a credit and each time that the operator supplies one or more credits and further reserve said credits for protected use by said manager, said interpreter being adapted for interpreting touching of a first button in a first area of the touch screen as a request for adding in said free play reserve file one credit of the credit reserve, and touching of a second button in a second area of the touch screen as a request for redeeming one credit from the number

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of credits in said free play reserve file and removing in said free play reserve file said redeemed credit from the number of credits only if the credit reserve is not empty, the first button being provided in a first displayed screen for the operator, the second button being provided in a second displayed screen for the manager, an interface being automatically displayed in the first screen and in the second screen when one of said specific buttons is used, said interface requiring a first code for enabling said first button to function as a request for adding in said free play reserve file one credit to the credit reserve when this first button is touched, said interface requiring a second code for enabling said second button to function as a request for redeeming one credit from the number of credits in said free play reserve file and removing in said free play reserve file one credit to the credit reserve when this second button is touched.

In an analogous art, Siegel teaches an audio reproduction system (col. 2, lines 39-56) wherein an operator (serviceman) can offer the manager of the reproduction system a given number of credits, one credit corresponding to the fee necessary to select a song (through actuation of the 'free play credit entry function'), enabling the operator to give the special benefit of free use to the manager.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller to include offering credits, wherein one credit corresponds to the fee necessary to select a song, as taught by Siegel, wherein the number of credits available would be kept track of in a file in

the memory means, as the system disclosed by Miller is a computer with an operating system (Miller, col. 10, lines 34-44). The reason for doing so is to provide the benefit of free use of the system to the manager, as it is well known to offer free samples of products in order to encourage purchases, and enabling the manager to play a given number of songs for free would engender further use of the system by users.

Miller and Siegel fail to disclose using a free play reserve file that is separate from a general reserve filed used to store credits based on user payments, said interpreter being adapted for interpreting touching of a first button in a first area of the touch screen as a request for adding in said free play reserve file one credit of the credit reserve, and touching of a second button in a second area of the touch screen as a request for redeeming one credit from the number of credits in said free play reserve file and removing in said free play reserve file one credit of the number of credits only if credit reserve is not empty, the first button being provided in a first displayed screen for the operator, the second button being provided in a second displayed screen for the manager, an interface being automatically displayed in the first screen and in the second screen when one of said specific buttons is used, said interface requiring a first code for enabling said first button to function as a request for adding in said free play reserve file one credit to the credit reserve when this first button is touched, said interface requiring a second code for enabling said second button to function as a request for redeeming one credit from the number of credits in said free play

reserve file and removing in said free play reserve file one credit to the credit reserve when this second button is touched.

In an analogous art, Barrett teaches a touch screen interface (col. 8, lines 14-16) wherein touching of a first button in a first area of the touch screen is interpreted as a request for adding value to a variable (plus region 90 in fig. 4, col. 6, lines 61-66), and touching of a second button in a second area of the touch screen as a request for removing value from a variable (minus region 86 in fig. 4, col. 6, lines 53-57), providing an operator with an intuitive interface for adjusting the value of a variable (col. 6 line 43 – col. 7 line 6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller and Siegel to adapt said interpreter such that touching of a first button in a first area of the touch screen as a request for adding in said file one credit of the credit reserve, and touching of a second button in a second area of the touch screen as a request for removing in said file one credit of the number of credits only if credit reserve is not empty (because it is nonsensical to store a negative number of credits) as taught by Barrett, for the benefit of providing an operator with an intuitive and thus easy to user interface for adjusting the value of the credit reserve variable. This results in redemption of said credit when deducting credits by the manager, because the very purpose of adding free credits, as taught by Siegel, is for redemption.

Miller, Siegel, and Barrett fail to disclose using a free play reserve file, separate from a general reserve filed used to store credits based on user

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payments, the first button being provided in a first displayed screen for the operator, the second button being provided in a second displayed screen for the manager, an interface being automatically displayed in the first screen and in the second screen when one of said buttons is used, said interface requiring a first code for enabling said first button to function as a request for adding in said free play reserve file one credit to the credit reserve when this first button is touched, said interface requiring a second code for enabling said second button to function as a request for removing in said free play reserve file one credit to the credit reserve when this second button is touched.

In an analogous art, Werth teaches restricting access to specific aspects of a vending machine to the owner [manager] (access of output registers only being available to owners, col. 4, lines 4-9) and restricting other specific aspects of a vending machine to the operator [serviceman] (system access is provided to servicemen, col. 4, lines 4-9), each accessed through entry of an input code (col. 4, lines 9-12), granting exclusive access to only the parties which have a right said vending machine aspects.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, and Barrett to include restricting access those specific aspects of a vending machine particular to the manager and restricting other specific aspects of a vending machine to the operator, each in turn accessed through entry of an input code, granting exclusive access to only the parties which have a right to those vending machine

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aspects specific to the manager and to the operator. This combination of Miller, Siegel, Barrett, and Werth results in a system wherein the first button (for adding, as taught by Barrett) is provided in a first displayed screen for the operator (the individual taught as being the one with the authority to add credits, as taught by Siegel, thus having a corresponding screen that allows said individual to interact with the system in the prescribed manner), the second button (for deducting, as taught by Barrett) being provided in a second displayed screen for the manager (the individual taught as being the one with the authority to deduct the credits, for encouraging use of the system, and thus having a corresponding screen that allows said individual to interact with the system in the prescribed manner), an interface being automatically displayed in the first screen and in the second screen when one of said specific buttons is used (for input of said input code, or password), said interface requiring a first code for enabling said first button to function as a request for adding in said file one credit to the credit reserve when this first button is touched, said interface requiring a second code for enabling said second button to function as a request for removing in said file one credit to the credit reserve when this second button is touched (because the interface is utilizing a touch screen, input of the passwords for accessing different features, as taught by Werth, is input using an on screen interface on said disclosed touch screen).

Miller, Siegel, Barrett, and Werth fail to disclose the file is a free play reserve file separate from a general reserve file used to store credits based on user payments.

In an analogous art, Sunyich teaches it was known at the time to store credit type transactions from different sources (user payment sources versus free access override sources) in different files, a first file for recording user payment related transactions ('B source file') and a second file for recording free access or free use transactions ('C amounts file', see col. 14 line 23-60).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, Barrett, and Werth to store the credits added and redeemed by the operator and manager in a file separate from the general reserve file which tracks credits stored based on user payments, as taught by Sunyich. This permits for accurate record keeping, especially for billing purposes, allowing the system to easily differentiate between usages that have payments associated and uses which do not.

Regarding claim 18, Miller, Siegel, Barrett, Werth, and Sunyich disclose the system of claim 14, wherein the operator can limit the ranges of values within which the manager can modify the physical parameters of the audiovisual reproduction system (the operator has complete control over the software code resident in the system, Miller, col. 10, lines 45-55, and thus the operator is

capable of programming the system of limit the ranges of values within which the manager can modify the physical parameters).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Siegel, Barrett, Werth, and Sunyich as applied to claim 14 above, and further in view of Kalis et al. (6,212,138, of record) [Kalis].

Regarding claim 15, Miller, Siegel, Barrett, Werth, and Sunyich disclose the system of claim 14, but fail to disclose credits supplied by the operator can be used within a given time range determined by a program module that displays a special screen for selection of time ranges within which the credits in the free play reserve may be used.

In an analogous art, Kalis teaches an audiovisual reproduction system (fig. 1) wherein an operator sets a time range for 'free play' of the system (col. 9, lines 55-56) and a special screen is displayed with provides feedback concerning the selection of said time ranges (col. 10, lines 9-29), giving the operator flexibility in control over the use of the system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, Barrett, Werth, and Sunyich to include determining a time range for when free play can occur by the operator and displaying a special screen for selection of said time range, as taught by Kalis, wherein the credits (taught by Siegel) are the means by which 'free play' is

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actuated. The reason for doing so is to offer the operator flexibility in control over use of the audiovisual reproduction system.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER